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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ELAHEE, MD S

ART UNIT PAPER NUMBER

2645

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/886,366

Applicant(s)

CHIBA, TANEAKI

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed on 09/07/04. Claims 1-25 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-25 have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

### ***Double Patenting***

3. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

4. Claim 3 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 2. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5, 7, 8, 10, 13, 15, 16 and 19-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Avnet et al. (U.S. Pub. No. 2002/0094787).

Regarding claims 1, 7, 22 and 24, Avnet teaches a plurality of broadcasting devices [i.e., information distribution units] (fig.2, item 12; page 3, paragraphs 0023, 0026).

Avnet further teaches a server selecting at least one broadcasting device from among the plurality of broadcasting devices, and transmitting first information to the selected broadcasting device (fig.2; page 3, paragraph 0026).

Avnet further teaches a PDA or cell phone [i.e., mobile terminal] (fig.1, item 16).

Avnet further teaches that the selected broadcasting device includes a transmitting unit transmitting to the PDA the first information received from the server such that the PDA is able to display the first information, the transmitting unit transmits the first information to the PDA through radio communication, and the PDA receives the first information when entering a communication area of the selected broadcasting device (abstract; fig.1, fig.2; page 2, paragraphs 0012, 0014, 0015, page 3, paragraphs 0023, 0024, 0026-0028).

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Avnet further teaches a display unit (see fig.2, item 20) visually displaying second information (abstract; fig.1, fig.2; page 2, paragraphs 0005, 0014, page 3, paragraphs 0023, 0024, 0026-0028).

Regarding claims 2, 3 and 25, Avnet teaches that the second information is related to the first information (abstract; fig.1, fig.2; page 2, paragraphs 0006, 0008, 0014, page 3, paragraphs 0023, 0024, 0026-0028).

Regarding claim 4, Avnet teaches that the first information is transmitted from the transmitting unit to the mobile terminal by communication through wire (page 3, paragraph 0026).

Regarding claim 5, Avnet teaches that the first information is transmitted from the transmitting unit to the mobile terminal in the hardwired interface [i.e., electric shielding] (page 3, paragraph 0026).

Regarding claim 10, Avnet teaches that the second information includes a visual advertisement, and the first information includes what is related to the visual advertisement (page 3, paragraph 0026).

Regarding claim 13, Avnet teaches that the plurality of information distribution units are installed in a museum and the first information includes fifth information on an exhibition displayed in the different location (page 3, paragraphs 0027, 0028).

Regarding claim 15, Avnet teaches that the mobile terminal sends a request for the first information, and the transmitting unit transmits the first information in response to the request (page 3, paragraph 0026).

Regarding claim 16, Avnet teaches that an information input computer for operation by an information distributor, wherein the first information is inputted to the information input computer, and the information input computer sends the first information to the server (page 3, paragraphs 0023, 0025, 0026). (Note; since, microprocessor sends response of data coming from server, it is inherent that an information input computer is for operation by an information distributor)

Regarding claim 19, Avnet teaches that the user response includes profile data indicative of a profile of a user of the mobile terminal (page 3, paragraph 0028).

Regarding claim 20, Avnet teaches that the user response includes inherently a user identifier for identifying a user of the mobile terminal (page 3, paragraph 0028).

Regarding claim 21, Avnet teaches that a profile-managing computer, wherein the mobile terminal sends another request to the profile-managing computer, and the profile-managing computer sends profile data indicative of a profile of a user of the mobile terminal in response to the another request (page 3, paragraph 0028, page 4, paragraph 0030). (Note; since user access lists of saved information [i.e., profile information], it is inherent that the user makes a request to a profile-managing computer to send profile information)

Regarding claim 23, Avnet teaches that the first information is transmitted from the transmitting unit to the mobile terminal by radio communication (abstract; fig.1, fig.2; page 2, paragraph 0014, page 3, paragraphs 0023, 0024, 0026-0028).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avnet et al. (U.S. Pub. No. 2002/0094787) and in view of Emilsson (International Pub. No. WO 98/59506).

Regarding claim 6, Avnet fails to teach “said first information is transmitted from said server to said selected information distribution unit through the Internet”. Emilsson teaches that the first information is transmitted from the server to the broadcasting device (i.e., selected information distribution unit) through the Internet (page 8, lines 5-25). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Avnet to allow the first information being transmitted from the selected information distribution unit to the server through the Internet as taught by Emilsson. The motivation for the modification is to have doing so in order to provide easy access to the location information.

Regarding claim 11, Avnet fails to teach “said second information includes a timetable of vehicles and said first information includes third information indicative of said timetable”. Emilsson teaches that the second information includes a timetable of vehicles and the first information includes third information indicative of the timetable (page 10, lines 12-14). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Avnet to allow the second information including a timetable of vehicles and the first information including third information indicative of the timetable as taught by Emilsson. The

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motivation for the modification is to have doing so in order to provide the details of available travel options.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Avnet et al. (U.S. Pub. No. 2002/0094787) and in view of Schlager et al. (U.S. Patent No. 5,963,130).

Regarding claim 8, Avnet fails to teach “said selected information distribution unit further includes a state indicator visually indicating whether or not said transmitting unit is transmitting said first information”. Schlager teaches that the selected information distribution unit further includes a state indicator visually indicating whether or not the transmitting unit is transmitting the first information (abstract; fig.2-4, fig.21; col.7, lines 9-11, 19-45, col.10, lines 26-37). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Avnet to allow the selected information distribution unit further includes a state indicator visually indicating whether or not the transmitting unit is transmitting the first information as taught by Schlager. The motivation for the modification is to have doing so in order to provide status information.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Avnet et al. (U.S. Pub. No. 2002/0094787) and in view of Albert et al. (U.S. Patent No. 6,094,565).

Regarding claim 9, Avnet fails to teach “said mobile terminal includes another state indicator visually indicating whether or not said mobile terminal is receiving the first information”. Albert teaches that the mobile terminal includes another state indicator visually indicating whether or not the mobile terminal is receiving the first information (col.6, lines 10-33). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Avnet to allow the mobile terminal including another state indicator visually



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indicating whether or not the mobile terminal is receiving the first information as taught by Albert. The motivation for the modification is to have doing so in order to provide visual perception of status information.

11. Claims 12, 14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avnet et al. (U.S. Pub. No. 2002/0094787) and in view of Hasebe et al. (U.S. Patent No. 6,212,570).

Regarding claim 12, Avnet teaches that the plurality of information distribution units are installed in a shop (page 2, paragraph 0015).

However, Avnet does not specifically teach “said first information includes fourth information on an item displayed in said shop”. Hasebe teaches that the first information includes fourth information on an item displayed in the different location (col.5, lines 63-65, col.11, lines 32-39). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Avnet to allow the first information including fourth information on an item displayed in the shop as taught by Hasebe. The motivation for the modification is to have doing so in order to provide more information about a particular item.

Regarding claim 14, Avnet Shiraishi fails to teach “said plurality of information distribution units are installed in a zoo and said first information includes sixth information on an exhibition displayed in said zoo”. Hasebe teaches that the plurality of information distribution units are installed in a different location (i.e., zoo) and the first information includes sixth information on an exhibition displayed in the different location (col.5, lines 63-65, col.11, lines 32-39). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Avnet to allow the plurality of information distribution units

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being installed in a zoo and the first information includes sixth information on an exhibition displayed in the zoo as taught by Hasebe. The motivation for the modification is to have doing so in order to provide status information.

Regarding claim 17, Avnet fails to teach "said mobile terminal sends a user response to said information input computer". Hasebe teaches that the mobile terminal sends a user response to the information input device (i.e., computer) (col.5, lines 55-63, col.6, lines 51-53). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Avnet to allow the mobile terminal sending a user response to the information input computer as taught by Hasebe. The motivation for the modification is to have doing so in order to carry out the information exchange).

Regarding claim 18, Avnet teaches that the first information includes a questionnaire and the user response includes an answer for the questionnaire (page 3, paragraph 0024).

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wynblatt et al. (U.S. Patent No. 6,219,696) teach System for providing targeted internet information to mobile agents, Whiteside (U.S. Patent No. 5,835,861) teach Enhanced automatic operation of wireless telephones, Bermel (U.S. Patent No. 6,674,357) teach Informational messages display system for mass transit systems and method for same, Bolduc et al. (U.S. Patent No. 6,157,841) teach Cellular phone network that provides location-based information, Boyd (U.S. Patent No. 6,484,148) teach Electronic advertising device and method

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of using the same and Sakoda (U.S. Patent No. 6,665,533) teach Communication system, communication terminal, and information distribution apparatus.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.

MD SHAFIUL ALAM ELAHEE  
April 12, 2005

  
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